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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,842	06/15/2001	Jozsef Tokes	LD 11642 GEC 2 0564	8771
7590 12/11/2003			EXAMINER	
TIMOTHY E. NAUMAN Fay, Sharpe, Fagan, Minnich & McKee, LLP 7th Floor 1100 Superior Ave. Cleveland, OH 44114-2518			HARPER, HOLLY R	
			ART UNIT	PAPER NUMBER
			2879	
DATE MAILED: 12/11/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/882,842	Applicant(s) TOKES ET AL.	
	Examiner Holly R. Harper	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-8, 26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6-8, 29 is/are allowed.
- 6) ☒ Claim(s) 26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
    1. ☐ Certified copies of the priority documents have been received.  
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
    \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
    a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on 10/17/03, has been entered and acknowledged by the Examiner.

Claim 29 has been entered.

Claims 1, 8, and 26 have been amended.

Claims 24, 25, and 27 have been canceled.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Gluhlampenwerk (DE 41 33 077 A1).

In regard to claim 26, the Gluhlampenwerk reference discloses a fluorescent lamp with a double helix (Figure 1). The double helix tubes are formed around a central axis (Figure 1). The double helix has a central section (Figure 1, Element 1) with an inner diameter larger than the inner diameter of the first end section (Figure 1, Element 2). The Gluhlampenwerk reference also discloses a lamp base for receiving the ends of the tube portions being disposed at the first end section (Figure 1). The Gluhlampenwerk reference discloses a cold chamber portion

connecting the ends of the helix shaped tube portions (Figure 1, Element 6). The cold chamber portion is in the same plane as the ends of the helix shaped tube portions.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gluhlampenwerk (DE 41 33 077 A1) in view of Morley (USPN 2,279,635).

In regard to claim 28, the Gluhlampenwerk reference, addressed in the rejection of claim 26, discloses a fluorescent lamp with double helix shaped tube portions, but it does not disclose various shapes for the external configuration. The Gluhlampenwerk reference discloses the claimed invention except for the limitation of various shapes for the external configuration. Morley discloses that the outer envelope can have different shapes. It has been held that a change in size is generally recognized as being within the level of ordinary skill in the art. It would have been obvious to one having ordinary skill in the art to vary the shape and size of the external configuration, since such a modification would have involve a mere change in the shape of a component.

***Allowable Subject Matter***

5. Claims 1-3, 6-8 and 29 are allowed.

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation that a fluorescent lamp has a cold chamber with substantially the same height as the diameter of the double spiral discharge tube portions.

Regarding claims 2-3, 6-8, and 29, claims 2-3, 6-8, and 29 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

### ***Response to Arguments***

6. Applicant's arguments filed 10/17/2003 have been fully considered but they are not persuasive.

Regarding applicants claim that the cold chamber is coplanar with the ends of the inner diameter of the first end section, the examiner respectfully agrees. However, the cold chamber disclosed by Gluhlampenwerk is also coplanar with the inner diameter of the first end section.

Regarding applicants claim that Morley does not recognize the problems addressed by the applicants, the examiner respectfully agrees. However, Morely does disclose that the discharge tubes of a discharge lamp can have various configurations.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Holly Harper  
Patent Examiner  
Art Unit 2879

  
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